

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CR-60071-WPD

UNITED STATES OF AMERICA

vs.

OLLIE MOSLEY,

Defendant.

FACTUAL PROFFER IN SUPPORT OF PRETRIAL DETENTION

The United States, by and through the undersigned Special Assistant United States Attorney, hereby files this factual proffer in support of pretrial detention.¹

On October 23, 2021, Ollie Mosley (“MOSLEY”) went to US PAWN, Federally Licensed Firearms Dealer, located at 400 W. Sunrise Blvd. Fort Lauderdale and spoke to US Pawn clerk, Mr. Smith, to purchase a Diamond Back Firearm, Model DB9, 9mm Handgun, S/N: YL4937, for \$289.99. MOSLEY purchased the firearm using the layaway program and made a deposit of \$100.00. MOSLEY also paid a non-refundable \$10.00 fee for the Florida Department of Law Enforcement (FDLE) background check or National Instant Criminal Background Check System (NICS). Mr. Smith informed MOSLEY that he would not be able to obtain the firearm until the firearm was fully paid off.

On October 25, 2022, MOSLEY returned to US Pawn and was provided an ATF-Form 4473 by Mr. Smith to complete for the firearm transaction. Mr. Smith explained that filling out the

¹ These are not all the facts known to the United States and its agents. The Government anticipates the Agent will adopt these facts as their testimony.

ATF Form 4473 and running the background check would be good for 30 days regarding the firearm transaction. Prior to filling out the ATF Form 4473, MOSLEY mentioned to Mr. Smith that he was not a felon and should not have any problems with the purchase. MOSLEY gave his Florida Driver's License to Mr. Smith and Mr. Smith compared the photograph to MOSLEY and verified his identity. Mr. Smith stated that at the time of the transaction, MOSLEY was not wearing a mask. While filling out the ATF Form 4473, Mr. Smith advised that he reminded MOSLEY to carefully read question 21 and its subsections. MOSLEY responded "Okay." MOSLEY subsequently completed ATF Form 4473 and had answered "No" to question 21(c) which states, "Have you ever been convicted in any court, including military court, of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentenced including probation?" Additionally, Mr. Smith had compared the information on MOSLEY's Identification to the information MOSLEY had provided on the ATF Form 4473 to confirm MOSLEY was providing the correct information. Mr. Smith then advised MOSLEY that if his FDLE background check is clear, he could come back in 7 days to pay off the rest of the firearm and pick it up.

US Pawn then submitted the NICS Background Check and received a non-approval decision due to MOSLEY'S multiple felony convictions. Specifically, MOSLEY has nine (9) felony convictions for which he has been in and out of state prison in Florida. He has been sentenced to 1 year in prison multiple times as well as terms of two (2) years and five (5) years. Mr. Smith advised MOSLEY that he had received a non-approval to purchase the firearm and informed MOSLEY that he would be eligible for a refund. Later that day, MOSLEY came back to US Pawn and received a refund for his \$100.00 deposit. Mr. Smith advised law enforcement that

he is able to identify MOSLEY.

Law enforcement learned that prior to his visit to US Pawn, on August 24, 2021, MOSLEY was arrested for possession of a firearm by a convicted felon and possession of marijuana by the Candler County, Georgia, Sheriff's Office in reference to Candler County Sheriff's Office Case # 21-09692.² ATF agents reviewed the body camera footage in reference to the arrest of MOSLEY on August 24, 2021 which revealed that an officer asked MOSLEY if he went through the process to get his firearm rights back and MOSLEY responded "No." A check of records revealed that MOSLEY has not been pardoned by the State of Florida nor had his civil rights restored. Law enforcement subsequently learned that MOSLEY was arrested again in November of 2021 in Georgia for Possession of a Firearm by a Convicted Felon and has a second case pending in Georgia for which he is out on bond.

Agents conducted surveillance for several days at different times throughout the day on MOSLEY's last known address in FL and an address in East Dublin, GA. On May 2, 2022, law enforcement attempted to locate MOSLEY for an active warrant in GA and contacted MOSLEY's lawyer. MOSLEY's lawyer was advised that an arrest warrant had been issued MOSLEY. MOSLEY's lawyer advised he would have MOSLEY surrender. On May 3, 2022, law enforcement spoke to MOSLEY via telephone and MOSLEY advised he did not want to be put through the transfer process with the U.S. Marshals and would turn himself in Miami, FL. MOSLEY stated he would begin driving himself to Miami and self-surrender the following morning. Agents again spoke with MOSLEY via telephone and informed him the warrant was out of Broward County and to avoid a transfer process he would have to go to the U.S. Marshals office

² This case still remains pending in GA.

in Fort Lauderdale, FL. MOSLEY stated he would be willing to meet there only after he had his affairs in place. MOSLEY stated people owed him money and he needed to pay bills to be financially ready for bond and lawyer costs and stated it would be at least 10-15 days before he was ready to turn himself in. Agents informed MOSLEY that he needed to self-surrender on the active warrant by immediately, by Friday, May 6, 2022. MOSLEY declined, stating he would surrender in the middle of the month, probably closer to May 17th. Law enforcement began to prepare legal process to track MOSLEY's cell phone when a tag reader showed MOSLEY's vehicle in Hollywood, Florida on May 3rd and May 5th. On May 13, 2022, MOSLEY contacted law enforcement stating he was now ready to surrender. On Monday May 16, 2022, MOSLEY finally turned himself in. At the time that MOSLEY committed the crime in Florida he was on bond for the August case stemming out of GA.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 23, 2022, I filed the foregoing document with the Clerk of the Court and counsel of record using CM/ECF.

/s/Jodi L. Anton

Jodi L. Anton
Assistant United States Attorney